

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 12-1250 JP

DARYL J. HUDSON, III,

Defendant.

ORDER

On April 26, 2013, the United States of America filed UNITED STATES' MOTION FOR RECONSIDERATION OF CONDITIONS OF RELEASE (Doc. No. 156) (Motion for Reconsideration). On April 30, 2013, Daryl J. Hudson III, pro se, filed DEFENDANT'S MEMORANDUM IN OPPOSITION TO GOVERNMENT'S MOTION FOR RECONSIDERATION OF CONDITIONS OF RELEASE (Doc. No. 157), with voluminous exhibits attached. On May 7, 2013, the United States of America filed UNITED STATES' REPLY TO DEFENDANT'S RESPONSE TO MOTION TO RECONSIDER CONDITIONS OF RELEASE (Doc. No. 159). By ORDER (Doc. No. 165) filed May 16, 2013, the Court granted DEFENDANT PRO SE'S MOTION FOR PERMISSION TO SUBMIT SUR-REPLY (Doc. No. 164). On May 16, 2013, DEFENDANT PRO SE'S SUR-REPLY IN OPPOSITION TO GOVERNMENT'S MOTION FOR RECONSIDERATION OF CONDITIONS OF RELEASE (Doc. No. 167) totaling 200 pages (including 191 pages of exhibits) was filed and considered by the Court.

On May 8, 2013, Daryl J. Hudson III filed DEFENDANT PRO SE'S OPPOSED MOTION TO DEFER THE DATE OF VOLUNTARY SURRENDER; AND OTHER EQUITABLE RELIEF (Doc. No. 160). On May 13, 2013, the government filed UNITED STATES' RESPONSE TO

DEFENDANT'S MOTION TO DEFER SURRENDER DATE (Doc. No. 162), and on May 13, 2013, Daryl J. Hudson III filed DEFENDANT PRO SE'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO DEFER THE DATE OF VOLUNTARY SURRENDER (Doc. No. 163).

On May 17, 2013, the Court held a hearing on the two motions. Present in Court at the hearing were Assistant United States Attorney John C. Anderson and District of New Mexico United States Probation Officer Tina Parde. Daryl J. Hudson III participated in the hearing by telephone conference, with the Court's permission. Also participating in the hearing by telephone conference were Brian Shaffer, Supervisory United States Probation Officer for the United States District Court for the District of Columbia, and Damaris Rodriguez-Feleke, Senior United States Probation Officer for the United States District Court for the District of Columbia.

Prior to the hearing, the Court considered the Reply to Request for Recommendation on United States' Motion for Reconsideration of Conditions of Release dated May 13, 2013 from the United States Probation Office of the United States District Court for the District of Columbia. In addition, having heard the arguments of counsel and Daryl J. Hudson III and oral recommendations of Probation Officers Brian Shaffer and Damaris Rodriguez-Feleke, the Court concluded that the Motion for Reconsideration should be granted because Daryl J. Hudson III has failed to establish by clear and convincing evidence that he presently is neither a flight risk nor a danger to himself or the community.

IT IS ORDERED THAT:

1. UNITED STATES' MOTION FOR RECONSIDERATION OF CONDITIONS OF RELEASE (Doc. No. 156) is granted;

2. DEFENDANT PRO SE'S OPPOSED MOTION TO DEFER THE DATE OF VOLUNTARY SURRENDER; AND OTHER EQUITABLE RELIEF (Doc. No. 160) is denied; and
3. The United States Marshal Service is to take Daryl J. Hudson III into custody immediately.

  
\_\_\_\_\_  
SENIOR UNITED STATES DISTRICT JUDGE